

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SANDRA NETHER,

Plaintiff,

v.

BANK OF AMERICA, N.A.,
QUALITY LOAN SERVICE
CORPORATION; and DOES 1
through 50,

Defendants.

NO: 14-CV-0025-TOR

ORDER DISMISSING CASE

As Plaintiff has failed to submit an amended complaint stating a claim upon which relief can be granted, the Court hereby dismisses Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(6), in accordance with its previous Order Granting Defendant's Motion to Dismiss and Granting Plaintiff Leave to Amend (ECF No. 18).

Pro se plaintiff Sandra Nether originally filed this lawsuit to quiet title in Spokane County Superior Court. Defendant Bank of America, N.A. removed it to

1 this Court. ECF No. 1. In response to Bank of America's subsequent Motion to
2 Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff filed a motion to remand and
3 two motions for leave to amend.¹ The Court denied Plaintiff's motion to remand
4 and granted Defendant's motion to dismiss, with leave for Plaintiff to amend her
5 complaint. ECF No. 18 at 25. The Court's May 2, 2014 Order clearly stated that
6 "the amended complaint must be legibly rewritten or retyped in its entirety...it
7 may not incorporate any part of the original complaint by reference," and that if
8 she failed "to amend within 30 days as directed, the Court will dismiss the
9 complaint for failure to state a claim." ECF No. 18 at 20.

10 Within the 30 day period, on May 30, 2014, Plaintiff filed a document
11 captioned "First Amended Complaint." ECF No. 19. Defendants Bank of New
12 York and MERS were added to the caption and Defendant Bank of America was
13 removed from it. However, Plaintiff's filing contains none of the allegations
14 contained in Plaintiff's original complaint or the complaints submitted with her
15 motions to amend. Rather, the pleading is subtitled "Plaintiff's Motion to Remand
16 and Objection to Defendant's Motion to Dismiss" and constitutes an argument for

17
18 ¹ The complaints submitted with her motions to amend were not accepted as filed
19 because they, like the first complaint, did not sufficiently state a cause of action.
20 ECF No. 18 at 19.

1 remand on subject matter jurisdiction grounds and an opposition to the motion to
2 dismiss. ECF No. 19 at 1-2. It states no cause of action against any defendant.
3 Thus, because Plaintiff failed to cure the infirmities identified in the Court's May
4 2, 2014 Order, the Court must dismiss Plaintiff's complaint for failure to state a
5 claim upon which relief can be granted. The Court will dismiss this case with
6 prejudice. *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004)
7 ("When the plaintiff timely responds with a formal notice of his intent not to
8 amend, the threatened dismissal merely ripens into a final, appealable judgment.").
9 By once again seeking remand and opposing the motion to dismiss, Plaintiff has
10 clearly shown to this Court that she does not intend to amend her complaint
11 properly.

12 **ACCORDINGLY, IT IS HEREBY ORDERED:**

13 All claims and causes of action in this matter are **DISMISSED** with
14 prejudice. All pending motions are **DENIED** as moot.

15 The District Court Executive is hereby directed to enter this Order, enter
16 Judgment accordingly, provide copies to counsel and to Plaintiff, and **CLOSE** the
17 file.

18 **DATED** June 13, 2014.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge